REMARKS

In the Office Action identified above, the Examiner rejected claims 1-7, 10, 11, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuyama (U.S. Patent No. 5,875,441) in view of Tada et al. (U.S. Patent No. 6,496,820). Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a)

I. The Rejection of Claims 1-7, 10-11, and 15-16 Under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejections of claims 1-7, 10-11, and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuyama in view of Tada et al. because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *See* M.P.E.P. § 2143.01 (8th Ed., Aug. 2001), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th Ed. 2001), pp. 2100-122 to 127. Here, neither the cited references, taken alone or in an any proper combination, teach or suggest all the elements of claims 1-7, 10-11, and 15-16.

Claim 1 recites a combination including *inter alia*, "accepting a search request in the form of a logical structured document" and "analyzing the accepted search request to generate a search graph including graph nodes based on the logical structure, wherein the graph nodes represent one of a hierarchical-level relationship, sibling relationship, or ancestor-posterity relationship." The Examiner alleges that Nakatsuyama teaches these elements. (*See* OA at 3.) Applicants respectfully disagree.

Nakatsuyama discloses a document database management system wherein structured documents are retrieved that satisfy an inputted query. (Abstract.) The inputted query specifies conditions "that documents to be retrieved should satisfy." (Col. 6, lines 46-48.) However, the query is not in the form of a logical structured document. Therefore, Nakatsuyama does not teach or suggest "accepting a search request in the form of a logical structured document," as recited in claim 1.

Further, Nakatsuyama discloses that the inputted query is "represented by a directed graph" and "the document type retriever 4 compares [sic] the query 3a and the document types in the document type database 1 and retrieves specific document types that can generate a document satisfying the query 3a." (Col. 6, lines 54-59 and Col. 11, lines 54-55.) However, these teachings cannot constitute "analyzing the accepted search request to generate a search graph including graph nodes based on the logical structure, wherein the graph nodes represent one of a hierarchical-level relationship, sibling relationship, or ancestor-posterity relationship, and a variable to be embodied is inserted between the graph nodes," as recited in claim 1. That is, the inputted query is

in the form of a directed graph, such that analyzing the search request and generating a search graph is not taught or suggested by Nakatsuyama.

Moreover, Tada et al. does not cure the deficiencies of Nakatsuyama. Indeed, the Examiner cited Tada et al. only for its alleged teaching of "a variable to be embodied is inserted between the graph nodes" and "executing a search processing procedure of the applied plan generation rule for materializing said variable." (OA at 4.).

Additionally, Applicants have cancelled claim 3 without prejudice or disclaimer and incorporated the elements of claim 3 into independent claims 1, 15, and 16. Neither of the cited references, taken alone or in any proper combination, teach or suggest these elements. For this additional reason, claim 1 is allowable and Applicants respectfully request the Examiner to withdraw the rejection of claim 1.

Since the cited references, taken either alone or in any proper combination, fail to teach or suggest each and every element required by claim 1, no prima facie case of obviousness has been made out with respect to this claim. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103 as being obvious from Nakatsuyama in view of Tada et al.

Claims 2, 4-7, and 10-11 depend from claim 1. As explained, claim 1 recites elements not disclosed by Nakatsuyama and Tada et al. Accordingly, claims 2, 4-7, and 10-11 are allowable over Nakatsuyama and Tada et al. at least due to their dependence from claim 1. Applicants therefore respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 15 and 16, although of different scope, recite elements similar to that discussed above with regard to claim 1. Applicants therefore request the Examiner to

withdraw the rejection of claims 15-16 for at least the same reasons discussed above with respect to claim 1.

II. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, not rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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